

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 95

WEDNESDAY, 15 OCTOBER 2014

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

### 2. Message from the Deputy of the Administrator — Assent to Bill

The President reported the receipt of a Message from the Deputy of the Administrator assenting to the following Bill —

<b>9 October 2014 — Message No. 24</b>	<b>Act No.</b>
Consumer Protection Legislation Amendment Bill 2013	23 of 2014

### 3. Ministerial Statement — Pregnancy and Infant Loss Remembrance Day

The Parliamentary Secretary representing the Premier made a Ministerial Statement with respect to Pregnancy and Infant Loss Remembrance Day.

### 4. Papers

The following Papers were laid on the Table by —

#### **Leader of the House**

##### *Statutes —*

Murdoch University Act 1973 (Murdoch University — Amending Statute No. 1 of 2014  
G.G. 10/10/2014)..... 2124

#### **Minister for Mental Health**

##### *Local Laws —*

Dog Act 1976 (Shire of Nannup Dogs Local Law 2014 G.G. 26/09/2014) ..... 2125

Local Government Act 1995 (Shire of Bridgetown-Greenbushes Standing Orders Amendment  
Local Law 2014 G.G. 10/10/2014 and Town of Port Hedland Standing Orders Local Law 2014  
G.G. 9/10/2014) ..... 2126

##### *Proposals —*

Conservation and Land Management Act 1984 – proposal for the partial revocation of  
State Forest No. 56 ..... 2127

##### *Regulations —*

Local Government Act 1995 (Local Government (Parking for People with Disabilities)  
Regulations 2014 G.G. 10/10/2014)..... 2128

State Superannuation Act 2000 (Government Employees Superannuation Board  
(Policy Instruments) Amendment Regulations 2014 G.G. 10/10/2014) ..... 2129

Waste Avoidance and Resource Recovery Levy Act 2007 (Waste Avoidance and Resource Recovery Levy Amendment Regulations 2014 G.G. 23/09/2014) .....	2130
<b>Attorney General</b>	
<i>Annual Reports</i> —	
Acacia Prison Services Agreement (2013–2014) (Date received 14/10/2014) .....	2131
CBD Courts Project Contract (2013–2014) (Date received 14/10/2014).....	2132
Court Security and Custodial Services (2013–2014) (Date received 14/10/2014).....	2133
Young Adults Facility Contract (Wandoo Reintegration Facility) (2013–2014) (Date received 14/10/2014).....	2134
<i>Notices</i> —	
Fair Trading Act 2010 (Consumer Protection Notice No. 3 of 2014 – Safety Standard: Child Restraint Systems for use in Motor Vehicles G.G. 26/09/2014) .....	2135
<i>Regulations</i> —	
Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations 2014 G.G. 26/09/2014).....	2136
Fair Trading Act 2010 (Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2014 G.G. 25/09/2014).....	2137
Magistrates Court Act 2004 (Magistrates Court Amendment Regulations (No. 2) 2014 G.G. 30/09/2014).....	2138
Spent Convictions Act 1988 (Spent Convictions Amendment Regulations (No. 5) 2014 G.G. 23/09/2014).....	2139
<i>Response to Reports</i> —	
Joint Standing Committee on the Commissioner for Children and Young People – (Report No. 3) Sexualisation of Children (Attorney General) .....	2140
<i>Rules</i> —	
Supreme Court Act 1935 (Supreme Court Amendment Rules (No. 2) 2014 G.G. 26/09/2014) .....	2141
<b>Minister for Agriculture and Food</b>	
<i>Management Plans</i> —	
Fish Resources Management Act 1994 (West Coast Rock Lobster Managed Fishery Management Plan Amendment (No. 2) 2014 [1207] G.G. 30/09/2014) .....	2142
<i>Notices</i> —	
Dangerous Goods Safety Act 2004 (Dangerous Goods Safety Exemption Notice No. 47 G.G. 26/09/2014).....	2143
<i>Orders</i> —	
Fish Resources Management Act 1994 (Prohibition on Fishing for Rock Lobster Amendment Order 2014 G.G. 3/10/2014).....	2144
<b>Parliamentary Secretary to the Minister for Health</b>	
<i>By-laws</i> —	
Hospitals and Health Services Act 1927 (Fiona Stanley Hospital By-laws 2014 G.G. 10/10/2014).....	2145
<i>Regulations</i> —	
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 5) 2014 GG 10/10/2014).....	2146

## 5. Partial Revocation of State Forest No. 56

The Minister for Mental Health representing the Minister for Environment: To move on the next day of sitting —

That the proposal for the partial revocation of State Forest No. 56 laid on the table of the Legislative Council on Wednesday, 15 October 2014 be carried out.

## 6. Western Australian Schools

Motion No. 1 having been called, Hon Sue Ellery, pursuant to notice, moved —

That this Council expresses its concern at the lack of transparent planning for the announced changes across Western Australian schools in 2015.

Debate ensued.

The Minister for Education tabled the Auditor General's Report No. 8 entitled *Moving on: The Transition of Year 7 to Secondary School (May 2014)*. (Tabled paper 2147).

Debate resumed.

The Minister for Education tabled documents showing information provided to schools on the move of Year 7 to secondary school. (Tabled paper 2148).

Debate resumed.

The Minister for Education tabled reports of the School Curriculum and Standards Authority entitled *The Western Australian Certificate of Education 2015 Responding and Adapting (December 2012)* and *Supplementary information to the Report: The Western Australian Certificate of Education 2015 Responding and Adapting (August 2014)*. (Tabled paper 2149).

Debate resumed.

The Minister for Education tabled a document entitled *School Curriculum and Standards Authority – communications to schools relating to the WACE reforms (2014)*. (Tabled paper 2150).

Debate resumed.

The Minister for Education tabled a report entitled *Development of a school funding model for Western Australian public schools – Report on funding and options (February 2012)*. (Tabled paper 2151).

Debate resumed.

The Minister for Education tabled a Report entitled *Evaluation of the Independent Public Schools Initiative – Final Report (May 2013)*. (Tabled paper 2152).

Debate resumed.

The Minister for Education tabled a lever arch file containing Department of Education – Student Centred Funding and Support sheet documents. (Tabled paper 2153).

Debate resumed.

The Minister for Education tabled media statements and communications to schools relating to school funding and the Australian curriculum. (Tabled paper 2154).

Debate resumed.

*Interruption pursuant to order.*

## 7. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

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### In Committee

(Hon Amber-Jade Sanderson in the Chair)

### Standing Committee on Estimates and Financial Operations — Report No. 49 — Procedure for 2013-14 Annual Report Hearings

Hon Peter Katsambanis moved, That the Report be noted.

Question — put and passed.

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The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

Standing Committee on Estimates and Financial Operations — Report No. 49 — *Procedure for 2013-14 Annual Report Hearings* and had noted same.

Report adopted.

## 8. Questions Without Notice

Questions without notice were taken.

The Attorney General representing the Minister for Police tabled documents in relation to full time equivalent positions performed by sworn officers identified during phase 1 of the Service Definition and Resource Model, in response to a question without notice asked by Hon Kate Doust. (Tabled Paper 2155).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the current policies of the Conservation Commission and the Department of Parks and Wildlife, in response to question on notice No. 1663 asked by Hon Lynn MacLaren. (Tabled Paper 2156).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to antisocial behaviour statistics on the Perth Urban Rail and Bus Network for 2013–14, in response to question on notice No. 1638 asked by Hon Ken Travers. (Tabled Paper 2157).

## 9. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Shark Bay Local Government Property Amendment Local Law 2014 — Disallowance*, 2, *Firearms Amendment Regulations 2014 — Disallowance*, 3, *Metropolitan Region Scheme Amendment No. 1239/41 — Gidgegannup Urban Precinct — Disallowance*, 4, *Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014 — Disallowance*, and 5, *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014 — Disallowance*, be taken after Order of the Day No. 12, *Mines Safety and Inspection Amendment Bill 2014*. (Leader of the House).

## 10. School Education Amendment Bill 2014

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

### In Committee

(Hon Liz Behjat in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 28 agreed to.

Clause 29.

Hon Sue Ellery moved —

Page 42, lines 3 to 6 — To delete the lines and insert —

- (c) on and from 1 January 2017, means —
  - (i) 2017 for a student where either 2015, 2016 or 2017 was the first calendar year in which the student had reached 11 years and six months of age by the beginning of that year; or

- (ii) the first calendar year in which the student has reached 11 years and six months by the beginning of the year;

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (7)**

Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Sue Ellery  
Hon Adele Farina

Hon Ken Travers  
Hon Darren West  
Hon Samantha Rowe (*Teller*)

**Noes (20)**

Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Robin Chapple  
Hon Jim Chown  
Hon Peter Collier  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Dave Grills

Hon Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Lynn MacLaren  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

Amendment thus negated.

Question, That the clause stand as printed — put and passed.

Clauses 30 to 37 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Education moved, That the Bill be read a third time.

The Acting President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

**11. Order of Business**

Ordered — That Order of the Day No. 1, *Shire of Shark Bay Local Government Property Amendment Local Law 2014 — Disallowance*, be taken forthwith. (Leader of the House).

**12. Shire of Shark Bay Local Government Property Amendment Local Law 2014 — Disallowance**

The Order of the Day having been read for the motion moved *pro forma* by Hon Robin Chapple, as follows —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Shark Bay Local Government Property Amendment Local Law 2014* published in the *Gazette* on 18 March 2014 and tabled in the Legislative Council on 1 April 2014 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 1341).

Debate ensued.

Question — put and passed.

**13. Order of Business**

Ordered — That Order of the Day No. 15, *Environmental Protection Amendment (Validation) Bill 2014*, be taken forthwith. (Leader of the House).

**14. Environmental Protection Amendment (Validation) Bill 2014**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

*Interruption pursuant to order.*

**15. Members' Statements**

Statements were taken.

**16. Adjournment**

The Council adjourned at 10.01pm until Thursday, 16 October 2014 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Martin Aldridge, Hon Nigel Hallett and Hon Sally Talbot.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council